

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Patrick Berry, Henrietta Brown, Nadine Little, Dennis Barrow, Virginia Roy, Joel Westvig, Emmett Williams, *on behalf of themselves and a class of similarly-situated individuals*; and ZACAH,

Plaintiffs,

vs.

Civil Action No. 20-cv-02189

Hennepin County; Hennepin County Sheriff David Hutchinson, *in his individual and official capacity*; City of Minneapolis; Minneapolis Mayor Jacob Frey, *in his individual and official capacity*; Minneapolis Chief of Police Medaria Arradondo, *in his individual and official capacity*; Superintendent of the Minneapolis Park and Recreation Board Al Bangoura, *in his individual and official capacity*; Park Police Chief at the Minneapolis Park and Recreation Board Jason Ohotto, *in his individual and official capacity*; Police Officers John Does; and Police Officers Jane Does,

Defendants.

DECLARATION OF PATRICK BERRY IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

I, Patrick Berry, hereby declare as follows:

1. I am a named Plaintiff in this lawsuit. I submit this Declaration in support of Plaintiff's Motion for a Temporary Restraining Order, asking the Court to enjoin

Defendants from taking any action to forcibly remove people experiencing homelessness from public spaces, destroy property, or otherwise negatively interfere with the encampments of unhoused persons.

2. My name is Patrick Berry. I am 41 years old, and I was born on June 6, 1979, in Chicago. When I was about 6 years old, my family moved to South Minneapolis. I have lived mostly in Minneapolis for 35 years.

3. I have a high school diploma and some college at Minnesota Community Technical College (MCTC).

4. I am a member of the Ho Chunk Nation, a federally recognized Native American tribe.

5. In late June or early July of 2020, I started living in a tent in Powderhorn Park, in the East encampment.

6. I later relocated to the Minnehaha encampment and became a camp facilitator. As a facilitator, I looked after the needs of encampment and individuals, and stayed in touch with volunteers and others to ensure supplies and services are provided. For example, if residents were suffering, I would try to get them medical care or make sure things didn't get stolen. I was a link to the outside world for the encampment residents.

7. I was taking on too much at Minnehaha and it was so hot out—it was 95 degrees. So I decided to leave and found some people who let me stay on their couches at their houses.

8. I also slept in a van a couple times at Peavey Park and stayed under the pavilion sometimes. Once when I was at Peavey Park, someone with a bulldozer showed

up. I was so angry when I saw the bulldozer because the MPRB had already allocated so much money for porta potties and other things for the encampments, and that money could've been used to house people. Then organizations were also trying to supply mutual aid, and the government sends bulldozers and pepper spray. Clearing the encampments damages thousands of dollars in property—those tents are \$100 apiece—and people's important documents, family photos, and medication get destroyed. People are already suffering so much. It is really cruel what the city is doing. The bulldozers are a ridiculous show of force. Why couldn't they just pull the tents up by hand? They just don't need bulldozers.

9. I also bounced around from house to house for a while, staying on people's couches, until someone from the Powderhorn West encampment asked me to set up a tent next to them for more security. I pitched my tent and was living down by the baseball diamond.

10. I was at Powderhorn West for about a week. Then on August 10, 2020, at 7 AM, a friend woke me up to tell me that the police were clearing the park. I hadn't seen any eviction notice and no one had been talking about one. There were rumors that eviction was being threatened, but there wasn't specific information about when it would happen. Powderhorn East had already been dissolved, and I had heard about different notices for different parks that all had inconsistent information—some would say 24 hours' notice and others would say 72 hours. No one had given me a notice. The only city workers I had seen up to that point were park employees who were doing maintenance at the baseball diamond.

11. When I went outside my tent, I saw that the police had made a perimeter around the top of the park with yellow CAUTION tape. The scene was really chaotic. There were bulldozers standing by. I was trying to mobilize people together. A friend of mine got on a bullhorn and was yelling. The police put him in handcuffs, shoved him in a police car, and drove him away. I knew where his tent and all of his belongings were, so I went and grabbed them to keep them safe. I also ran and grabbed my backpack. I didn't know where I was going to go, and I couldn't carry everything with me. I ended up storing some things at a friend's house nearby, and I put other items in a friend's car.

12. The Park Police and officers from the Minneapolis Police Department were there. I saw friends of mine who hadn't crossed the yellow line get handcuffed, detained, and driven away. They were later released at the station, I think without charges.

13. At some point, the police — I'm not sure if it was Minneapolis Police Department or Park Police or both — started using chemical irritants against people. The people I saw them spraying were not being violent. Large numbers of people were being sprayed and they were just peacefully protesting what was going on.

14. The bulldozers came and cleared everything. We only had a few minutes max to get our belongings out. There was a dumpster in the park that was full of tents and other things belonging to residents. The whole thing was just so horrible and cruel.

15. My tent, sleeping mattress, and sleeping bags were all destroyed in the clearing of Powderhorn West.

16. I didn't have money to get a tent and sleeping bag, so I contacted a volunteer that I knew and asked for help. The volunteer did some fundraising for me and was able

to get me a tent and sleeping bag. The volunteer didn't work for any organization, she was just a community member.

17. Since the day Powderhorn West was cleared to October 1, I have slept in many different places. I pitched my new tent by myself around the city, stayed on people's couches, and stayed in a hotel for a few days that were paid for by ZACAH or friends.

18. I haven't always been an unhoused person. In the span of a year, both of my parents died, and I lost permanent housing.

19. Before October 1, the last time I had my own place was in November 2019. My roommate was always trying to fight me. My landlord refused to do what he needed to do to keep me safe, so I had to leave.

20. I moved to Portland, Oregon with a friend and his girlfriend. But the couple was violent, so I had to get out of that situation. I put my stuff in storage and made my way back to Minneapolis and was couch hopping. At some point, I went back to Portland to retrieve my property, which included sacred Native American objects and my dad's ashes—really important things to me. While I was in Portland, I got robbed. The assailants took my wallet and glasses. So I was stuck in Portland with no ID or bank card. It was miserable. Someone eventually helped me get back to Minneapolis. When I got here, I didn't have a place to stay, so I started to live at Powderhorn in a tent.

21. I haven't gone to a shelter because they aren't safe. It's widely known that shelters are unsafe. I have heard so many stories of staff at shelters exploiting or assaulting people. And there are dangerous people milling around the outsides of shelters and there isn't proper security.

22. I also was terrified to be in an enclosed and crowded shelter because of the threat of COVID-19.

23. I now have an apartment of my own, thanks to ZACAH, an organization that has provided intense support of residents of encampments. They gave me a security deposit and first month's rent so I could get an apartment. I have enough income through my tribe at the moment to pay rent for a few months, and I'm currently applying for jobs in sales and labor. I also plan to re-enroll in MCTC to study psychology.

24. If I didn't have help from ZACAH for the apartment, I would probably be at the Logan or Harriet encampments.

25. If I can't afford the rent going forward for my apartment, I will probably have to sleep in a tent somewhere outside again.

26. I haven't applied for any county or city housing programs because the waiting lists are so long. I know I would be waiting for years.

27. I am seeking an order asking that the Court to stop Defendants from taking any action to sweep camps when we have nowhere else to go and to stop destroying people's property. It only makes our situations worse.

Signature on following page

I state under penalty of perjury that the foregoing is true and correct.

Dated: October 18, 2020



Patrick Berry